Atty

Kruthers, Heather H. (for Public Guardian – Conservator of the Estate – Petitioner)

(1) Second Account Current and Report of Successor Conservator and (2) Petition for Allowance of Compensation to Successor Conservator and Attorney

Ag	e: 96		PUBLIC GUARDIAN , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			LSIGIE, IS FEIIIIONEI.	Continued from 9-4-13. The
			Account period: 6-18-11 through 6-17-13	following issue remains:
				ionowing issue remains.
Со	nt from 090413	3	Accounting: \$117,023.54	1. Need schedule and information
	Aff.Sub.Wit.		Beginning POH: \$73,881.95	re Conservatee's property in
>	Verified		Ending POH: \$3,927.13 (\$1,427.13 cash)	Texas per Probate Code §§
	Inventory		Conservator: \$1,850.56	2401.1 and 1063(h).
	PTC		(6.61 Deputy hours @ \$96/hr and 16 Staff	
	Not.Cred.		hours @ \$76/hr)	
~	Notice of		- 1: 1	
	Hrg		Attorney: \$1,250.00 (less than local rule)	
>	Aff.Mail	W		
	Aff.Pub.		Bond fee: \$88.94 (ok)	
	Sp.Ntc.		Petitioner prays for an order:	
	Pers.Serv.		Approving, allowing and settling the	
	Conf.		2 nd Account;	
	Screen		2. Authorizing the conservator and	
	Letters		attorney fees and commissions;	
	Duties/Supp		3. Authorizing payment of the bond fee; and	
	Objections		4. Any other orders the Court considers	
	Video		proper.	
	Receipt			
	CI Report			
	9202			
~	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 10-2-13
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 1 – Wooten

Taylor Lynn and Byron Michael Cheek (GUARD/P) Case No. 08CEPR00940 2

Cheek, Tania (pro per – mother) Atty Atty

Mathes, Karen L. (for Terry & Linda Cheek – paternal grandparents/guardians)

Status Hearing Re: Visitation

Taylor, 11		TERRY CHEEK and LINDA CHEEK, paternal	NEEDS/PROBLEMS/COMMENTS:
		grandparents, were appointed as guardians on 12/01/08.	Minute Order from last status
By	ron, 8	TANIA CHEEK, mother, filed a petition for	hearing re: visitation states: The Court is advised that Tania Cheek
		termination of the guardianship, which was	is currently in the Rescue the
		denied on 07/24/13.	Children program. Parties are advised that the Court is not
Co	nt. from	At hearing on 7-24-13, the Court referred the	going to order any visitation that
	Aff.Sub.Wit.	case to CPS to check on who is living in the home with the child and its safety. DSS Social	will be contrary to the children's
	Verified	Worker Keith Hodge was present in Court. Mr.	activities. Tania Cheek is ordered to cooperate in a visitation
	Inventory	Hodge was asked to submit a report to the	evaluation with Dr. Bernstein. The
	PTC	Court and to the other parties. The Court ordered a marginal increase in visitation	Court authorizes Tania Cheek to
	Not.Cred.	between the mother and the children and set	be placed on the school contact list. Counsel is directed to prepare
	Notice of	this status hearing.	the order. Parties agree to
	Hrg		participate in mediation today at
	Aff.Mail	DSS Social Worker Keith Hodge filed a report on 8-27-13.	1:30pm regarding visitation. Parties understand that the
	Aff.Pub.	011 8-27-13.	purpose of today's mediation is to
	Sp.Ntc.		agree on a visitation schedule
	Pers.Serv.		that will be in place while Tania Cheek is in the Rescue the
	Conf.		Children program.
	Screen		i G
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	=	
\vdash	9202	=	
	Order	=	
	Aff. Posting	┪	Reviewed by: JF
	Status Rpt	7	Reviewed on: 10/02/13
	UCCJEA	7	Updates:
	Citation	7	Recommendation:
	FTB Notice		File 2 - Cheek

3

Atty Knapp, Bonnie J.; Kimball, Patrick K., of Glendale (for Petitioner Eric Schloen, Special Administrator)

Petition for Termination of Further Proceedings and Discharge of the Personal Representative [Prob. C. 12251; Gov. C. 70657(a)(1)]

DC	DD: 11/5/2012	ERIC SCHLOEN, Special Administrator appointed	NEEDS/PROBLEMS/COMMENTS:
		without bond on //, is Petitioner. Letters expired	
		11/4/08. Letters will expire on 3/29/2015 .	
6	and from	Petitioner states:	
	ont. from	Petitioner, as agent of COMMUNITY	
 	Aff.Sub.Wit.	REGIONAL MEDICAL CENTER , the hospital at	
✓	Verified	which the Decedent died, was appointed	
	Inventory	Special Administrator for the limited purpose	
	PTC	of obtaining Medi-Cal benefits for the	
	Not.Cred.	decedent to settle medical bills incurred by decedent prior to his death;	
/	Notice of	 Petitioner has diligently searched for all 	
*	Hrg	assets of the Decedent, but has not been	
1	Aff.Mail W/	able to discover any property of any kind	
Ľ		belonging to the Decedent that would	
<u> </u>	Aff.Pub.	otherwise be subject to administration, and	
	Sp.Ntc.	at all times prior to filing until the present	
	Pers.Serv.	time, this estate has been insolvent	
	Conf.	[emphasis in original];Consistent with Probate Code § 9202,	
	Screen	Petitioner has given written notice to the CA	
	Letters 050713	Dept. of Health Care Services Estate	
	Duties/Supp	Recovery Division, as well as the Franchise	
	Objections	Tax Board's Probate Unit (copy of notice and	
	Video	response from each attached);	
	Receipt	Petitioner has concluded the reason and	
	CI Report	purpose of this estate, and there is no longer	
1	9202	any need for the continued administration of the estate; Medi-Cal eligibility has been	
1	Order	established (copy of proofs of eligibility	
<u> </u> _		attached).	D 11 150
	Aff. Posting	·	Reviewed by: LEG
	Status Rpt	Petitioner prays for an Order:	Reviewed on: 10/1/13
-	UCCJEA	1. Terminating further proceedings for the	Updates:
-	Citation	administration of the estate; and	Recommendation: SUBMITTED
✓	FTB Notice	2. Discharging Petitioner as the personal	File 3 - Reagan
		representative of the estate.	

3

Virginia Esparza (Estate) Wishon, A. Emory, III (for Diane Esparza – Daughter – Petitioner) Roberts, Gregory J. (for Ray A. Esparza – Son – Objector)

Amended Petition for Probate of Will and for Letters Testamentary

DOD: 3-2-13	DIANE ESPADAA Doughter and Named Alternate	NEEDS/PROBLEMS/	
DOD: 3-2-13	DIANE ESPARZA , Daughter and Named Alternate Executor without bond, is Petitioner.	COMMENTS:	
	LACCOTOL WILLIOUS DOLIG, IS I CILIOTICI.	COMMENTS.	
	Full IAEA – ok	Continued from 8-21-13	
		<u> </u>	
Cont From 082113,	Will dated 2-12-98	Minute Order 8-21-13: The	
091113		Court appoints Diane Esparza	
Aff.Sub.Wit.	Residence: Fresno	as special administrator with	
	Publication: Fresno Business Journal	limited powers for the limited	
✓ Verified		purpose of obtaining	
Inventory	Estimated Value of Estate:	information regarding the	
PTC	Annual income: \$80,000.00	accounts. Letters of special	
Not.Cred.	Real property: \$80,000.00	administrator to expire 9-11-13.	
	Total: \$80,000.00	Continued to 9-11-13.	
✓ Notice of Hrg			
Y Aff.Mail W	Probate Referee: Steven Diebert	Minute Order 9-11-13: The	
✓ Aff.Pub.		Court appoints Ray Esparza as	
Sp.Ntc.	Objection filed 6-18-13 by Ray A. Esparza, son,	co-special administrator. The	
	states he believes there is a more recent will.	Court indicates to the parties	
Pers.Serv.	Objector had filed a petition for probate in	that both special administrators	
Conf. Screen	13CEPR00289, but dismissed his petition when a will	are appointed for the limited	
✓ Letters	was discovered. Petitioner has not allowed him to	purpose of determining the	
✓ Duties/Supp	look through the decedent's papers. Petitioner	assets. Letters of special	
✓ Objections	obtained a dumpster and threw away a dumpster	administration to expire on	
Video	full of the decedent's papers and belongings.	10/9/13. Counsel is directed to	
Receipt	Objector is trying to find out who prepared the decedent's will and trust to determine if there is a	prepare the order. Continued to 10/9/13	
	more recent will.	10 10/7/13	
CI Report	HIOTOTOCOTH WIII.	Note: Letters of Special	
9202	Objector does not believe Petitioner should be the	Administration issued 10-2-13.	
✓ Order	executor, as she has been dishonest with him and	Administration 133060 10-2-10.	
	has taken assets of the estate. Objector states	Note: The decedent's will	
	Petitioner withdrew \$21,000.00 from the decedent's	dated 2-12-98 devises the	
	EECU account and deposited a check for \$9,950.00	entire estate to the Ray P. and	
	received from AAA and a \$6,066.45 check into her	Virgie Esparza Trust dated 11-1-	
	account. These monies should be part of the estate.	96. Petitioner Diane Esparza is	
	See attached copies. Objector believes there are	the named alternate executor	
	other assets that Petitioner has taken. She is hiding	of the will and is also the	
	documents and has destroyed or disposed of a	successor trustee of the trust.	
	dumpster full of documents. Objector is informed	33333331 1103100 01 1110 11031.	
	and believes that Petitioner has used the		
	decedent's credit cards and gas cards. Objector	The following issues remain for	
	objects to Petitioner's appointment as executor and	both Petitioner and Objector:	
	requests that the Public Guardian be appointed.		
		SEE ADDITIONAL PAGES	
	Petitioner filed a declaration in response: Petitioner		
	states she did deposit some of her mother's money		
	into her accounts, but only as a temporary measure		
	for safekeeping. At the instruction of her attorney,		
Aff. Posting	Petitioner has deposited the funds noted above into	Reviewed by: skc	
Status Rpt	his law firm's client trust account until she is	Reviewed on: 10-2-13	
	appointed as Executor and can open an estate		
UCCJEA	account. Petitioner was informed that her brother	Updates:	
Citation	(Objector) removed \$1,742.81, \$250, and \$125 from	Recommendation:	
FTB Notice	three accounts. Petitioner was concerned he would	File 4 – Esparza	
	remove other funds, so she protected them.		

4 Virginia Esparza (Estate)

Case No. 13CEPR00398

Page 2

Petitioner:

- 1. The witnesses of the will did not date their signatures. The Court may require proof of subscribing witness pursuant to Probate Code §8220.
- 2. The Court may require clarification regarding the estimated value of the estate.
- 3. Letters are not signed.

Objector:

 Objector requests appointment of the Public Administrator; however, there is no proof of service of objection or notice of hearing served on the Public Administrator or County Counsel.

Note: If the petition is granted, status hearings will be set as follows:

- Friday, October 11, 2013 at 9:00 a.m. in Department 303, for the filing of the bond.
- Friday, February 14, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- Friday, November 14, 2014 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Atty Atty Flanigan, Philip M. (for Alison Rylee – daughter/Petitioner)

Krbechek, Randolf (for James Rylee – son/Objector)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 07/01/13			ALISON RYLEE, daughter/named Executor	NEEDS/PROBLEMS/COMMENTS:	
			with bond set in the amount of \$210,000.00,		
			is Petitioner.	CONTINUED FROM 09/11/13	
Cont. from 091113			Full IAEA – NEED	Minute Order from 09/11/13 states: Mr. Krbechek withdraws	
□	Aff.Sub.Wit.		Will dated 04/07/03	his objections. Mr. Flanigan requests a continuance.	
1	Verified		Will dated 04/07/03	requesis a commodice.	
Ě			Residence: Fresno	1. Need Publication.	
	Inventory		Publication: NEED		
-	PTC				
	Not.Cred.		Estimated Value of the Estate:		
✓	Notice of		Personal property - \$100,000.00		
	Hrg		Real property - 110,000.00		
<u> </u>	Aff.Mail	w/	Total - \$210,000.00		
	Aff.Pub.	Χ	Probate Referee: STEVEN DEIBERT		
	Sp.Ntc.		Trobato Rotolog, SIEVEN DEIDERI		
	Pers.Serv.		Objections to Probate of Will filed 08/28/13		
	Conf.		by James M. Rylee, son, states: Probate of		
	Screen		the Decedent's will should be denied on		
✓	Letters		the following grounds:		
✓	Duties/Supp		(a) Respondent has not submitted nor		
✓	Objections		are there any allegations that an		
	Video		original or "duplicate original" of the will presently exists.		
	Receipt		(b) Pursuant to Probate Code § 6124,		
	CI Report		there is a presumption that the		
	9202		testator destroyed the will with the		
✓	Order		intent to revoke it. This presumption		
	Aff. Posting		affects the burden of producing	Reviewed by: JF	
	Status Rpt		evidence.	Reviewed on: 10/02/13	
	UCCJEA		Respondent should not be appointed as	Updates:	
	Citation		Administrator with Will Annexed on the around that, if the will is not admitted,	Recommendation:	
	FTB Notice		respondent cannot serve as Administrator	File 5 - Rylee	
			with Will annexed, but must proceed under	·	
			the laws of intestate succession. Contestant		
			prays:		
			1. That the document be denied		
	probate; 2. That Respondent Alison Rylee not be		·		
			,		
			appointed as administrator with will		
			annexed; and		
			 For attorney's fees and costs of suit incurred herein. 		
			інсонов ногоні.		

Atty Atty Aguirre, L. Kim (Attorney for Mark Carlson Lee – Conservatee)
Kruthers, Heather H. (for Public Guardian – Conservator)

Status Hearing Re: Accounting from Mr. Aguirre

Status Hearing Re: Accounting from				
Age: 63		PUBLIC GUARDIAN is Conservator of		
		the Person and Estate.		
		Public Guardian's First Account was		
		settled on 7-31-13.		
Cont from 090	0413	3611164 6117 61 16.		
Aff.Sub.W	it.	On 7-31-13, pursuant to Examiner		
Verified		Notes, the Court set this status		
Inventory		hearing for accounting of \$9,000.00		
PTC		authorized to Attorney L. Kim Aguirre.		
Not.Cred.	,	Mr. Aguirre filed an "Accounting of		
Notice of		Funds Advanced to L. Kim Aguirre to		
Hrg		Secure Living Arrangement for M.		
Aff.Mail		Carlson Lee" on 8-21-13.		
Aff.Pub.		Mr. Aguirre states funds received and		
Sp.Ntc.		expended is as follows:		
Pers.Serv.				
Conf.		Payment to apartment (First, Last,		
Screen		Deposit): \$5,190.00		
Letters		Payment to Establish Visa Card for		
Duties/Su		Misc. Expenses: \$1,000.00		
Objection	ns	77136. EXPENSES: \$1,000.00		
Video		Diana Martinez (assist in securing		
Receipt		facility, move, etc., per Exhibit A):		
CI Report		\$1,062.50		
Order		Laura Depfyffer (Assistant to L. Kim		
Order		Aguirre), coordinating contact with		
		M. Carlson Lee; Harper, Martinez @		
		\$20/hr per Exhibit B: \$1,036.00		
		Mr. Aguirre continues to hold the		
		remaining \$711.50 fbo Mr. Lee. No		
		billing by Ms. Depfyffer since 10-15-12. It is believed that once she compiles		
		that biling the amount due will		
Aff. Postin	a	exceed the \$711.50.		
Status Rpt		·		
UCCJEA				
Citation				
FTB Notice	9			
I ————				

NEEDS/PROBLEMS/COMMENTS:

Minute Order 9-4-13 (Judge Cardoz):
No appearances. The Court orders Kim
Aguirre and Heather Kruthers to be
personally present on 10/09/13. The Court
directs that a copy of the minute order be
sent to both counsels. Continued to
10/9/13.

Examiner Notes previously noted:

1. On 7-31-12, the Court authorized payment of \$7,000.00 to L. Kim Aguirre, attorney for the Conservatee, for use in securing appropriate housing and transportation and ordered the funds placed in an appropriate account to be used for that limited purpose. On 11-8-12, an ex parte petition was filed that stated the Conservatee found an apartment and was required to pay "several thousand dollars" for first and last months' rent and deposit, and additional funds were needed. The Court authorized an additional \$2,000.00 on 11-9-12.

Petitioner's disbursements schedule reflects the funds paid to Mr. Aguirre, but does not provide a breakdown of how those funds were used. Further, the disbursements schedule includes housing and transportation costs during this time frame that appear to have been arranged and paid for by the Public Guardian as Conservator, outside of the \$9,000.00 paid to Mr. Aguirre. See also the extensive itemization of time spent by the Conservator on these matters.

Need clarification regarding the \$9,000.00 paid to Mr. Aguirre.

<u>See Page 2</u>					
Reviewed by: skc					
Reviewed on: 10-2-13					
Updates:					
Recommendation:					
File 6 – Lee					

6 Mark Carlson Lee (CONS/PE)

Case No. 12CEPR00343

Page 2

1. The Court may require clarification as to the \$1,036.00 for Billing for Services provided by Laura dePfyffer, who is Mr. Aguirre's assistant.

Examiner Notes that attorneys' secretarial services are considered costs of doing business and not reimbursable per local rules. Here, all line items appear to be office telephone conversations with the client. Were the funds allotted for Mr. Lee's used to pay the attorney's assistant an hourly rate on top of her salary, or in lieu of, or in addition to? Attorney fees are subject to applicable petition and notice requirements according to the Probate Code and Cal. Rules of Court, but these services appear to fall under our local rule re cost of doing business.

2. The Court may require clarification as to who Diana Martinez is, and her qualifications to provide moving services.

Pro Per

7

Boos, Amanda (Pro Per Petitioner, mother)

Petition for Visitation

Δα	e: 4 years	AMANDA BOOS, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
79	e. 4 yeurs	AMANDA BOOS, Momer, is reinforter.	NEEDS/TROBLEMS/COMMENTS.
Cont. from Aff.Sub.Wit. Verified		KATRINA BOOS and ANDREW BOOS, maternal grandparents, were appointed Guardians on 9/20/2011, and Letters issued on 10/3/2011. Father: MICHAEL STARK	Note: Minute Order dated 9/20/2011 from the hearing on the petition for appointment of guardian states in pertinent part that visitation is to be determined by the Guardians.
	Inventory	Paternal grandfather: Anthony Stark	1. Need Notice of Hearing.
	PTC	Paternal grandmother: Deceased	
	Notice of Hrg	Petitioner states she would like to request	Need proof of mailed service of the Notice of Hearing with a copy of the
	Aff.Mail >	visitation with the child for the following days:	petition pursuant to Probate
	Aff.Pub.	Every Tuesday from 2:00 p.m. to 6:00	Code §§ 1460 and 1511 for
	Sp.Ntc.	p.m.;	the following persons:
	Pers.Serv.	Every Saturday from 11:00 a.m. to 6:00 p.m.;	Kartina Basa Cuaraliana
	Conf. Screen	 Phone calls from Monday to Sunday, 	Katrina Boos, Guardian;Andrew Boos, Guardian;
	Letters	one call per day.	Michael Stark, Father;Anthony Stark, Paternal
	Duties/Supp		grandfather.
	Objections		g. a a
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: LEG
	Status Rpt	_	Reviewed on: 10/1/13
	UCCJEA	4	Updates:
	Citation	4	Recommendation:
	FTB Notice		File 7 - Stark
			7

7

8

Gonzalez, Rick (pro per Administrator)
Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 5/12/2010	RICK GONZALEZ was appointed as	NEEDS/PROBLEMS/COMMENTS:
	Administrator without bond and with	
	Limited IAEA authority on 4/22/2013.	Continued from 8/21/13. Minute order
	=	states examiner notes are provided to
0 1 (071710	Letters issued on 4/26/2013.	petitioner. With respect to the existing
Cont. from 071713		loan and the back taxes owed, the
08213	I & A filed on 10/2/2012 show the	Court is requesting the cooperation of
Aff.Sub.Wit.	estate valued at \$130,400.00,	Fresno County and any lender so the
Verified	consisting of real property	Petitioner can assume or otherwise
Inventory	(encumbered) and minimal personal	provide for payment and/or refinancing
PTC	property.	of the property located on 1962 Skelton
Not.Cred.	This status hearing was set for the	St. The Court requests that the Public Administrator be present at the next
Notice of	filing of the first account or petition	hearing.
Hrg	for final distribution.	incumig.
Aff.Mail		As of 10/2/13 the first account or
Aff.Pub.	Status Report filed 8-16-13 states:	petition for final distribution has not
	As of 8-14-13, the Administrator went	been filed.
Sp.Ntc.	to a committee meeting with the	
Pers.Serv.	County of Fresno to discuss the	Note: It appears from the status report
Conf.	matter of the loan for the rebuilding	that the Administrator may be under
Screen	of the property on 1962 Skelton Street	the impression that the he is waiting for
Letters	that was completed in 2000. The loan	action from the Probate Court.
Duties/Supp	was for \$79,900.00. He was allowed	
Objections	more time to see what probate was	However, the Administrator is
Video	going to do. There are also back	responsible for filing a petition for final
Receipt	taxes of approx. \$9,000, plus interest,	distribution with an appropriate plan for
CI Report	and a debt of \$299.20 owed to Asset Acceptance. He is awaiting a call to	closing the estate in accordance with applicable law.
9202	arrange payments. The bill of the	арріісаріе іам.
Order	probate referee is paid. The	The Administrator is encouraged to
Oldei	Administrator states he and the	research his options for proceeding,
	county are awaiting final distribution	and may wish to obtain legal
	of the estate to make the needed	assistance to prepare the final petition.
	changes and be able to transfer the	
	loan and pay off all debts. There is	Note: The three intestate heirs of the
	another meeting with the county to	estate are the Administrator, Rick
	update them on 9-11-13. If final	Gonzalez, and his two brothers, Louis
	distribution is granted before then,	Edward Gonzalez and John Augustine
	we can move on to the next step of	Miranda.
Aff. Posting	taking over the loan. It is needed to	Reviewed by: KT
Status Rpt	be in someone else's name because	Reviewed on: 10/2/13
UCCJEA	his mother is deceased.	Updates:
Citation		Recommendation:
FTB Notice	7	File 8 – Borunda
•	*	8

Atty

Salinas, Rita (Pro Per – Petitioner – Maternal Grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Athena 2 **NEEDS/PROBLEMS/COMMENTS:** NO TEMPORARY REQUESTED Nathaniel 1 Minute order of 09/04/2013: Examiner **RITA SALINAS**, maternal grandmother, is notes are provided to Petitioner. The petitioner. petitioner is directed to cure the defects Father of Athena: **DOMINIQUE** Cont. from 090413 listed in the notes. **BUSTAMANTE** Aff.Sub.Wit. The following issues still remain: Verified Father of Nathaniel: DANIEL OCHOA, Declaration of Due Diligence filed 1. Need Notice of Hearina. Inventory 07/02/2013 2. Need proof of personal service fifteen **PTC** Mother: RACHEL RENEE SALINAS (15) days prior to the hearing of the Not.Cred. Notice of Hearing along with a copy of Notice of Paternal Grandparents of Athena: Not the Petition for Appointment of Guardian Hrg Listed or consent and waiver of notice or Aff.Mail Χ declaration of due diligence for: Paternal Grandparents of Nathaniel: • Dominique Bustamante (father of Aff.Pub. Unknown Athena) Sp.Ntc. • Daniel Ochoa (father of Maternal Grandfather: Abel Salinas Pers.Serv. Nathaniel) – Unless the Court Conf. Petitioner states: mother, Rachel Salinas, is dispenses with notice. Screen Note: Declaration of Due Diligence filed unfit and is on drugs, does not have a 07/02/2013 does not provide any information steady home for the children, and she is Letters regarding efforts to locate Daniel Ochoa. currently out on bail. **Duties/Supp** Rachel Renee Salinas (Mother) Court Investigator Jennifer Daniel's report **Objections** 3. Need proof of service fifteen (15) days filed 08/28/2013. prior to the hearing of the Notice of Video Hearing along with acopy of the Petition Receipt for Appointment of Guardian or consent CI Report and waiver of notice or declaration of due diligence for: 9202 • Paternal Grandparents of Order Athena (Not Listed) • Paternal Grandparents of Nathaniel (Unknown) • Abel Salinas (Maternal Grandfather) Aff. Posting Reviewed by: LV Status Rpt **Reviewed on:** 10/02/2013 **UCCJEA** Updates: **Recommendation:** Citation **FTB Notice** File 9 – Bustamante & Ochoa

Atty Duran, Robert and Martha (pro per – maternal grandparents/Petitioners)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Ric	hard, age 8	TEMPORARY EXPIRES 10/09/13	NEEDS/PROBLEMS/COMMENTS:
Fm	ilie, age 3	ROBERT and MARTHA DURAN, Maternal	
	ille, age 5	Grandparents, are Petitioners.	
Khl	oe, age 5 months		
		Father (Richard and Emilie): RICHARD	
		BRAMBILA, Jr.	
Со	nt. from	- Personally served 8-18-13	
	Aff.Sub.Wit.	Eather (Khlee): IECUS ALAAAN7A	
✓	Verified	Father (Khloe): JESUS ALMANZA - Court dispensed with notice on 08/21/13	
	Inventory	Coon dispensed will make on object to	
	PTC	Mother: LUPE JANE DURAN	
	Not.Cred.	- Personally served 8-6-13; objected at	
✓	Notice of	hearing on 08/21/13	
	Hrg	Patarnal Crandfathar (Diahard and Emilia)	
✓	Aff.Mail	Paternal Grandfather (Richard and Emilie): Richard Brambila, Sr.	
	Aff.Pub.	- Personally served 8-15-13	
	Sp.Ntc.	Paternal Grandmother (Richard and	
✓	Pers.Serv.	Emilie): Cecilia Brambila	
✓	Conf.	- Personally served 8-15-13	
	Screen	Datamal Crandfathar (Valas), Ar Almana	
✓	Letters	Paternal Grandfather (Khloe): Mr. Almanza Paternal Grandmother (Khloe): Mrs.	
✓	Duties/Supp	Almanza – both served by mail on 08/19/13	
	Objections		
	Video	Petitioners state the mother is homeless and	
	Receipt	a drug user and is currently staying in a	
✓	CI Report	hotel with a convicted felon who has a	
	9202	history or drug abuse and violence. The children have always resided with	
✓	Order	Petitioners until their mother removed them	
	Aff. Posting	from their home on 7-25-13. The hotel	Reviewed by: JF
	Status Rpt	where the mother stays is known for	Reviewed on: 10/02/13
✓	UCCJEA	prostitution and the boyfriend is wanted by	Updates:
	Citation	the police and has beat the mother in front	Recommendation:
	FTB Notice	of the children. The police were called. The known residence where they are staying is	File 10 – Brambila, Duran &
		not a safe environment for the children	Almeana
		especially when both adults are under the	
		influence of narcotics. Prior to July 25, the	
		only home the children have known is with	
		Petitioners.	
		Continued on Page 2	

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Page 2

Lupe Duran, Mother, filed an Objection on 8-20-13. Mother objects on the basis of insufficient and inaccurate facts given by Petitioners. Mother states she had been living with her parents for 7 months prior to this incident because she needed help to maintain her employment and save for another house in an affordable price range. Arguments arose due to her work schedule. Both she and her mother work late night hours and the children were left in the care of her father, Petitioner Robert Duran. However, he suffers from sleep apnea and was unable to care for the kids. They would be up by themselves because he would fall asleep. Mother states she had to stop working because her 8-year-old son was left to care for his little sister and she could not let that happen. During their tenancy with her parents, she has been attacked by her mother on more than one occasion while children present. She was called a "bitch" and they were kicked out several times. It became a nuisance to stay with Petitioners as they accused her of being on drugs. Mother states she had a new baby in May 2013 and was given pain medication from the C-section delivery. She has never misused the medication or neglected her children. She loves them very much and her only intentions were to get away from two abusive relationships: 1) the father of the baby, and 2) her mother, Petitioner Martha Duran.

Mother states she fears that leaving the kids with her parents they will be subjected to false information regarding her situation. Mother states Richard gets stomach pains from nervousness and the two girls are used to her care. She is worried that they feel confused and abandoned. Mother states she has made every attempt to find shelter, gain help from Marjaree Mason Center, counseling, and has obtained a part time job. She will continue to follow on a path of faith, counseling, and parenting.

Mother provides letters in support from a friend, a case manager at New Outlook Family Transitional Housing, and a statement indicating assistance of homeless assistance from Fresno County.

Petitioner Martha Duran filed a declaration on 8-20-13 that states it is brought to their attention that the mother is currently residing with a family friend, Christina Castillio. Petitioner states Ms. Castillio lives in a 2 bedroom home with multiple families and has a child with special needs. The mother previously attempted to defraud welfare and taxes by saying that she cared for that child. Petitioner states they are bringing this information because they believe the mother and Ms. Castillio will be once again trying to use the same information to assure she is being productive and getting her life straight. Petitioners are aware that the mother is still using narcotics and will try to remove the children to this residence.

Petitioner states all three of the children have resided with Petitioners since birth. They are concerned that Richard will not go to school and that Emilie will not receive dental care if they are with the mother. The baby has not had any vaccinations. They are scheduled for 8/22. Without treatment for her addiction, the children will not be cared for or given the basic necessities. Their main concern is the well-being of the children.

Court Investigator Jennifer Daniel filed a report on 10/02/13.

Uziel Orozco (GUARD/P)

Atty Zamorano, Irma (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Vaspi, 14			TEMPORARY EXPIRES 10/09/13	NEEDS/PROBLEMS/COMMENTS:
No	iason, 12		IRMA ZAMORANO , Maternal Grandmother, is Petitioner.	Petitioner is Spanish speaking.
Uzi	iel, 11		Father: SAMUEL OROZCO - - Consents and waives notice; Personally served	Declaration of Due Diligence filed 08/12/13 states that paternal grandfather, Samuel Orozco's
	ont. from		08/16/13	whereabouts are unknown. If
	Aff.Sub.Wit.		Mother: IRMA M. ZAMBRANO - Consents and waives notice;	diligence is not found, need proof of service by mail at least
√	Verified		Personally served	15 days before the hearing of
	Inventory		08/16/13	Notice of Hearing with a copy of
	PTC			the Petition for Appointment of
	Not.Cred.		Paternal Grandfather: Samuel Orozco	Guardian of the Person <u>or</u>
√	Notice of		– Declaration of Due Diligence filed 08/12/13	Consent & Waiver of Notice for: - Samuel Orozco (paternal
	Hrg		Paternal Grandmother: Jacova Torres	grandfather)
√	Aff.Mail	w/	- Served by mail on 08/16/13	9. 5 5
	Aff.Pub.			2. Need CI report and clearances –
	Sp.Ntc.		Maternal Grandfather: Mario	CI to provide.
✓	Pers.Serv.		Zambrano – Consent & Waiver of Notice filed 08/19/13	
✓	Conf.		1101100 1100 100/19/13	
	Screen		Petitioner states the father's live-in	
✓	Letters		girlfriend is physically abusive toward	
✓	✓ Duties/Supp Objections		the children. Petitioner describes a recent incident where she pinched	
	Video		Uziel on his thigh, and another where she hit Vapsi with an open hand	
	Receipt		causing her mouth to bleed. Petitioner	
	CI Report	Χ	states if the children cry they are	
	9202		abused more. The father does nothing	
✓	Order		for their protection. The father agreed	
	Aff. Posting		to their placement but Petitioner needs an order to keep him from	Reviewed by: JF
	Status Rpt		changing his mind.	Reviewed on: 10/02/13
<u> </u>	UCCJEA			Updates:
-	Citation		According to the UCCJEA, the	Recommendation:
	FTB Notice		children have been with Petitioner since 7-30-13.	File 11 – Zamorano & Orozco
			Court Investigator Jennifer Daniel filed a report on – NEED REPORT.	

Atty Sanoian, Joanne, Law Offices of Joanne Sanoian (for Petitioner Jennifer Lewis, Executor)

(1) First and Final Account and Report of Executor, (2) Petition for Its Settlement, and for (3) Final Distribution

DOD: 1/11/1999		JENNIFER LEWIS, niece and Executor		NEEDS/PROBLEMS/COMMENTS:		
		appointed on 3/30/2004, is Petitioner. Letters		is Petitioner. Letters		
			issued on 4/2/200	04.		Note: Petition does not state the
						account period pursuant to
C	nt. from					Probate Code § 1061(a).
	Aff.Sub.Wit.			TO 100 100	204 0/11/00101	However, based upon this
l			Account period:	[3/30/20	<u> 104 - 9/11/2013]</u>	atypical case characterized by lapse of time with few
✓	Verified By At	ıy	Accounting		\$25,000,00	administrative actions taken
1	Inventory		Accounting Beginning POH	-	\$25,000.00 \$25,000.00	and the simplified accounting
	-		Ending POH	-	\$25,000.00	presented, the account period
✓	PTC		(no cash; 1/5 inte	- arast in ra		may be presumed to be from
1	Not.Cred.		(110 Cash, 175 line	5163111116	edi property.)	the date of appointment
<u> </u>						and/or date Letters issued, to
✓	Notice of		Executor	_	Not requested	the date of the execution and
	Hrg		2,000,01			verification of this accounting.
1	Aff.Mail	W/	Attorney	_	Not requested	Ĭ
	Aff.Pub.		,		•	1. Petition does not contain a
_						statement pursuant to
	Sp.Ntc.					Probate Code §§ 216 and
	Pers.Serv.		Petitioner states:			9202(b) regarding notice to
	Conf.		Tla a a a la la		1 /F	the Director of the CA Victim
	Screen				s entirely of a 1/5	Compensation and
	Letters 04020	04		a parce	el of real property in	Government Claims Board.
	Duties/Supp		Fresno;	nt to the	filing of the	
	Objections		 Subsequent to the filing of the Inventory and Appraisal in this 		_	Diagram and ditional page.
	Video		•		the real property	~Please see additional page~
	Receipt			•	by the Department	
	CI Report				n an eminent	
	9202	Χ	domain a			
	Order	X	 The estate 	e's parce	el was assigned a	
		^	new parc	el descri	ption and APN	Deviewed by LCC
-	Aff. Posting		(copy att	ached a	s Exhibit A.)	Reviewed by: LEG
 	Status Rpt		. Na	a a a al al !!	lianal naa-	Reviewed on: 10/3/13
UCCJEA		~riease s	ee aadıt	lional page~	Updates:	
<u> </u>	Citation	N1.				Recommendation:
	FTB Notice	N/ A				File 12 - Atwater
						1

<u>Distribution pursuant to Decedent's Will is to:</u>

- **[ESTATE OF] MARY LEWIS** 1/4TH interest [in Decedent's 1/5 interest in real property]
- **DANNY THOMAS** 1/8TH interest [in Decedent's 1/5 interest in real property]
- LOIS ATWATER 1/32ND interest [in Decedent's 1/5 interest in real property]
- **JANICE EPPERSON** 1/32ND interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] LARRY ATWATER** 1/32ND interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] ARLETA ATWATER** 1/32ND interest [in Decedent's 1/5 interest in real property]
- CURTIS GILMER 1/20™ interest [in Decedent's 1/5 interest in real property]
- **TONI MARSHALL** 1/20TH interest [in Decedent's 1/5 interest in real property]
- DENISE GILMER 1/20™ interest [in Decedent's 1/5 interest in real property]
- CHERYL GILMER 1/20™ interest [in Decedent's 1/5 interest in real property]
- **BRIAN GILMER** 1/20TH interest [in Decedent's 1/5 interest in real property]
- **GINGER FLEMING** 1/24TH interest [in Decedent's 1/5 interest in real property]
- CHERRY ATWATER 1/24TH interest [in Decedent's 1/5 interest in real property]
- **HUBBY ATWATER** 1/24TH interest [in Decedent's 1/5 interest in real property]
- DORIS JEAN ATWATER 1/24[™] interest [in Decedent's 1/5 interest in real property]
- MARTHA ANN ATWATER 1/24TH interest [in Decedent's 1/5 interest in real property]
- NANCY ATWATER 1/24TH interest [in Decedent's 1/5 interest in real property]

NEEDS/PROBLEMS/COMMENTS, continued:

- 2. First Amended Petition for Probate filed 1/28/2004 lists **TOM GILMER**, grandnephew, in Attachment 9 containing the list of Decedent's heirs. It appears Tom Gilmer is not included in any of the pleadings related to the instant petition for final distribution; however, based upon the First Amended Petition, Tom Gilmer may be a grandchild of Decedent's predeceased sister, **GLADYS THOMAS**, whose children are devisees in Decedent's Will. Tom Gilmer may be a child of **CAROL GILMER** (daughter of Gladys) and Carol's children are devisees in the Will. Need clarification as to whether Tom Gilmer is intentionally or inadvertently omitted from the instant petition for final distribution. If inadvertently omitted, Tom Gilmer should be given notice of this proceeding and should be included in the distribution from this estate.
- 3. Paragraph 23 of the *Petition* states the following persons are deceased; based upon their having survived the Decedent, but being now deceased, their distributive interests in the real property should be distributed to the personal representatives of their estates (who may choose to distribute the real property via Probate Code § 13200, et seq. or some other mechanism):
- Estate of Mary Lewis 1/4 interest;
- Estate of Larry Atwater 1/32 interest;
- Estate Arleta Atwater 1/32 interest.
- 4. Need proposed order, including the distributions stated as being made to the personal representatives of the estates of those devisees who are deceased.

Sanoian, Joanne (for Petitioner Brian Gilmer)

(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement and (3) for Final Distribution

	D. E/21/100	<u> </u>	DDIAN CHAED administrator is			NEEDS / PROBLEMS / COMMENTS:	
DOD: 5/21/1980			BRIAN GILMER , administrator, is petitioner.			NEEDS/PROBLEMS/COMMENTS:	
			решіопет.				
			Account period: not stated.			1. Petition was verified by the	
Coult from			·				attorney and not the fiduciary.
Cont. from		Accounting - \$5,000.00			Probate Code § 1023 states an		
	Aff.Sub.Wit.		Beginning POH	-	\$5,000.00		attorney cannot verify for a
	Verified	Х	Ending POH	-	\$5,000.00		fiduciary.
✓	Inventory		Administrator	_	not	2.	Need order.
✓	PTC		addressed				
√	Not.Cred.		Attorney	_	not		
√	Notice of		addressed		. 101		
🗸	Hrg						
1	Aff.Mail		Diahelandian mana		de alade		
	Aff.Pub.		Distribution, pursuant to intestate succession, is to:				
	Sp.Ntc.		220000000000000000000000000000000000000				
	Pers.Serv.		Carol Gilmer (deceased) – 50% of the decedent's 1/5 interest in real property.				
	Conf.						
	Screen		Danny Thomas - 50% of the				
✓	Letters 9/2/04		decedent's 1/5 interest in real property.				
	Duties/Supp						
	Objections						
	Video						
	Receipt						
	CI Report						
✓	9202						
	Order	Х					
	Aff. Posting					Re	eviewed by: KT
	Status Rpt					Re	eviewed on: 10/2/13
	UCCJEA					_	odates:
	Citation						ecommendation:
FTB Notice					File	e 13 - Thomas	